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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,973	02/21/2002	Tetsu Shigetomi	450100-03762	2209
20999 7590 01/05/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER JONES, HEATHER RAE	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/081,973

Applicant(s)

SHIGETOMI ET AL.

Examiner

Heather R. Jones

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/25/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 4, 8, 9, 13, 17, 19, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura (U.S. Patent 7,013,477).

Regarding claim 1, Nakamura et al. discloses an information reproducing apparatus comprising: a receiver for receiving broadcast information and selecting a signal therefrom that includes commercial broadcast information having a supplied sequence (Fig. 2; col. 12, lines 17-35); a storing means (26) for storing a sequentially supplied series of the broadcast information (col. 12, lines 17-35; col. 14, lines 12-20); a commercial detecting means for detecting the commercial broadcast information from the received broadcast information based on predetermined identification information contained in the broadcast

information (col. 12, lines 17-35 – the CM start unit (23) corresponds to a CM detecting unit); a reproducing means for reproducing broadcast information stored in the storing means (col. 14, lines 21-25); and a controlling means for sequentially reading the detected commercial broadcast information from the storing means and making the reproducing means reproduce the same and, when the detected commercial broadcast information is all reproduced, sequentially reading another series of broadcast information other than the related commercial broadcast information from the storing means and making the reproducing means reproduce the another series of broadcast information in accordance with the supplied sequence (Fig. 5; col. 14, line 25 – col. 15, line 8).

Regarding claim 3, Nakamura et al. discloses all the limitations as previously discussed with respect to claim 1 including that the controlling means sequentially reads said detected commercial broadcast information from said storing means in accordance with a sequence by which said commercial broadcast information was supplied (Fig. 4; col. 14, lines 12-20).

Regarding claim 4, Nakamura et al. discloses all the limitations as previously discussed with respect to claim 1 including that the controlling means sequentially reads commercial broadcast information specified by an address of a head part stored in the storing means and a data length identification information from designated in the storing means (Fig. 4; col. 14, lines 12-20).

Regarding claim 8, Nakamura et al. discloses an information reproducing apparatus comprising: a receiver for receiving broadcast information and

selecting a signal therefrom that includes commercial broadcast information having a supplied sequence (Fig. 2; col. 12, lines 17-35); a storing means (26) for storing a sequentially supplied series of the broadcast information (col. 12, lines 17-35; col. 14, lines 12-20); a commercial detecting means for detecting the commercial broadcast information from the received broadcast information based on predetermined identification information contained in the received broadcast information (col. 12, lines 17-35 – the CM start unit (23) corresponds to a CM detecting unit); a reproducing means for reproducing broadcast information stored in the storing means (col. 14, lines 21-25); an inputting means for inputting a commercial designation signal for designating the commercial broadcast information to be reproduced at the reproducing means (Fig. 5; col. 14, line 25 – col. 15, line 8); and a controlling means for sequentially reading the series of broadcast information from the storing means and making the reproducing means reproduce the same in accordance with the supplied sequence, generating image information corresponding to the detected commercial broadcast information and combining the same with the reproduced image of the series of broadcast information, and making the reproducing means reproduce the combined image information, and, when the commercial designation signal is input, reading the commercial broadcast information designated by the related commercial designation signal from the storing means and making the reproduction means reproduce the commercial broadcast information, and, in the following reproduction of the series of broadcast information, reproducing the

broadcast information while not reproducing, but skipping over the commercial broadcast information which has not been already reproduced (Fig. 5; col. 14, line 25 – col. 15, line 8).

Regarding claim **9**, Nakamura et al. discloses all the limitations as previously discussed with respect to claim 8 including that the controlling means suspends reproduction of said series of broadcast information and makes the reproducing means reproduce designated commercial broadcast information when said commercial designation signal is input (Fig. 5; col. 14, line 25 – col. 15, line 8).

Regarding claim **13**, grounds for rejecting claim 4 apply for claim 13 in its entirety.

Regarding claims **17** and **19**, these are method claims corresponding to the apparatus claims 1 and 3. Therefore, claims 17 and 19 are analyzed and rejected as previously discussed with respect to claims 1 and 3.

Regarding claims **23** and **24**, these are method claims corresponding to the apparatus claims 8 and 9. Therefore, claims 23 and 24 are analyzed and rejected as previously discussed with respect to claims 8 and 9.

4. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. as applied to claims 1 and 17 above, and further in view of Barritz et al. (U.S. Patent Application Publication 2002/0019769).

Regarding claim **2**, Nakamura et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the

controlling means generates a viewing confirmation message at least one time, makes the reproducing means reproduce it, and suspends a read operation of the broadcast information from the storing means at the time of reproduction of the commercial broadcast information and restarts the read operation of said broadcast information when a response signal with respect to the related viewing confirmation message is detected.

Referring to the Barritz et al., Barritz et al. discloses an information reproducing apparatus disclosing a viewing confirmation message at least one time, makes the reproducing means reproduce it, and suspends a read operation of the broadcast information from the storing means at the time of reproduction of the commercial broadcast information and restarts the read operation of said broadcast information when a response signal with respect to the related viewing confirmation message is detected (paragraph [0117]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the message system as disclosed by Barritz et al. with the information reproducing apparatus disclosed by Nakamura et al. in order to determine viewer presence during commercials.

Regarding claim **18**, this is a method claim corresponding to the apparatus claim 2. Therefore, claim 18 is analyzed and rejected as previously discussed with respect to claim 2.

5. Claims 5, 14, 20, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. as applied to claims 1, 8, 17, and 23 above, and further in view of Levy (U.S. Patent Application Publication 2003/0192060)

Regarding claim 5, Nakamura et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on electronic watermark information included in image data of the broadcast information.

Referring to the Levy reference, Levy discloses detecting commercial broadcast information based on electronic watermark information (paragraph [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have detected commercial broadcasts based on electronic watermark information in the information reproducing apparatus disclosed by Nakamura et al. to provide the apparatus with a better quality commercial detector.

Regarding claim 14, grounds for rejecting claim 5 applies for claim 14 in its entirety.

Regarding claim 20, this is a method claim corresponding to the apparatus claim 5. Therefore, claim 20 is analyzed and rejected as previously discussed with respect to claim 5.



Regarding claim **28**, this is a method claim corresponding to the apparatus claim 14. Therefore, claim 28 is analyzed and rejected as previously discussed with respect to claim 14.

6. Claims 6, 7, 15, 16, 21, 22, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. as applied to claims 1, 8, 17, and 23 above, and further in view of Suito et al. (U.S. Patent 6,285,818).

Regarding claims **6** and **7**, Nakamura et al. discloses all the limitations as previously discussed with respect to claim 1, but fails to disclose that the commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information.

Referring to the Suito et al. reference, Suito et al. discloses commercial detecting means detects the commercial broadcast information based on detecting scene changes where broadcast information changes discontinuously and detects the commercial broadcast information based on a time interval at which said detected scene changes occur in the reproduced image or based on detecting the commercial broadcast information based on fluctuations in the reproduced sound level of the broadcast information (col. 4, lines 14-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized any method of detecting commercial broadcasts in the information reproducing apparatus disclosed by Nakamura et al. in order to have a better quality commercial detector.

Regarding claims **15** and **16**, grounds for rejecting claims 6 and 7 apply for claims 15 and 16 in their entirety.

Regarding claims **21** and **22**, this is a method claim corresponding to the apparatus claims 6 and 7. Therefore, claims 21 and 22 are analyzed and rejected as previously discussed with respect to claims 6 and 7.

Regarding claims **29** and **30**, this is a method claim corresponding to the apparatus claims 15 and 16. Therefore, claims 29 and 30 are analyzed and rejected as previously discussed with respect to claims 15 and 16.

7. Claims 10-12 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. as applied to claims 8 and 23 above, and further in view of Kitsukawa et al. (U.S. Patent 6,282,713).

Regarding claim **10**, Nakamura et al. discloses all the limitations as previously discussed with respect to claim 8, but fails to disclose that the controlling means combines a still image of a reproduced image of the detected commercial broadcast information and a reproduced image of the series of broadcast information and makes the reproducing means reproduce the same.

Referring to the Kitsukawa et al. reference, Kitsukawa et al. discloses an information reproducing apparatus wherein the controlling means combines a still

image of a reproduced image of the detected commercial broadcast information and a reproduced image of the series of broadcast information and makes the reproducing means reproduce the same (Fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined a still image of a reproduced image of the detected commercial broadcast information and a reproduced image of the series of broadcast information as disclosed by Kitsukawa et al. with the information reproducing apparatus of Nakamura et al. in order to provide an on-demand electronic advertising information provided for items used in scenes of television programs.

Regarding claim 11, Nakamura et al. in view of Kitsukawa et al. discloses all the limitations as previously discussed with respect to claims 8 and 10 including that the controlling means erases the still image of said commercial broadcast information from a display area of said reproducing means in the subsequent reproduction of the series of broadcast information when commercial broadcast information has been reproduced in accordance with said commercial designation signal (Kitsukawa et al.: Fig. 6).

Regarding claim 12, Nakamura et al. in view of Kitsukawa et al. discloses all the limitations as previously discussed with respect to claims 8 and 10 including the controlling means changes the still image of the commercial broadcast information to a predetermined image showing the commercial broadcast information finished being reproduced in the subsequent reproduction

of the series of broadcast information when commercial broadcast information has been reproduced in accordance with the commercial designation signal (Kitsukawa et al.: Fig. 6 – after watching the commercial an indication to the user is given as to whether to store the commercial or to erase the commercial, therefore letting the user know that the commercial is finished).

Regarding claims **25-27**, these are method claims corresponding to the apparatus claims 10-12. Therefore, claims 25-27 are analyzed and rejected as previously discussed with respect to claims 10-12.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

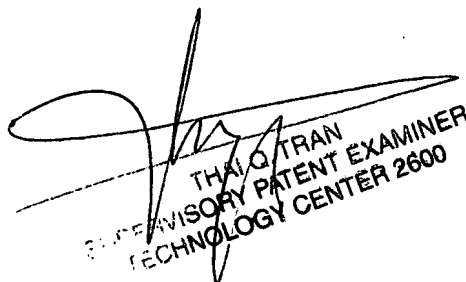
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
December 21, 2006

  
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